

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-12 and 19-21 are currently pending. Claims 1, 11, 12, 19, 20 and 21 are independent. Claims 2, 5, 12 and 21 are hereby amended. Claims 13-18, which were subject to a Restriction Requirement, are hereby canceled without prejudice or disclaimer of subject matter. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. OBJECTIONS TO THE DRAWINGS**

Figures 16A, 16B and 16C were objected to due to minor typographical errors. Amended Figures 16A, 16B and 16C are submitted herewith correcting the typographical errors.

Applicants submit that the objection to the drawings is overcome.

### **III. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 1, 11, 12, 19, 20 and 21 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,470,337 to Nihei.

Claim 1 recites, *inter alia*:

**AMENDMENTS TO THE DRAWINGS**

The attached sheet includes changes to Figures 16A, 16B and 16C, which replaces the original sheet including Figures 16A, 16B and 16C. In Figures 16A, 16B and 16C previously omitted text and arrow lines have been added.

“...computation means for computing an expected value of a response transmitted by each of information-processing terminals in response to each of a plurality of contents transmitted to said information-processing terminals; and

select means for selecting some of a plurality of contents to be transmitted to each of said information-processing terminals on the basis of said expected value computed by said computation means for each of said contents.” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,470,337 to Nihei relates to an information retrieval system for retrieving desired data from a retrieved subject database, which obtains the index corresponding to the retrieved subject data obtained by the retrieval executing unit, computes expected value of acquired information based on the retrieval times of the retrieval result data stored in the retrieved subject retrieval probability storing unit, presents to a user the index information corresponding to the retrieval result in decreasing order of the expected value of the computed acquired information as for the retrieved subject data that is the retrieval result, and narrows down a retrieval result obtained by the retrieval executing unit, in reply to a user's narrowing request. (See Abstract)

Applicants submit that nothing has been found in the cited portions of U.S. Patent No. 6,470,337 to Nehei (hereinafter, merely “Nihei”) that would disclose or suggest the above-identified features of claim 1.

Specifically, Applicants submit that Nihei fails to teach or suggest computing an expected value of a response transmitted by each of information-processing terminals, as recited in claim 1.

Furthermore, Applicants submit that Nihei fails to teach or suggest selecting some of a plurality of contents to be transmitted to each of said information-processing terminals, as recited in claim 1.

Therefore, Applicants submit that claim 1 is patentable.

Independent claims 11 and 12 are similar in scope and believed to be patentable for similar reasons.

Independent claim 19 recites, *inter alia*:

“...computation means for computing an expected value of a response transmitted by each of information-processing terminals in response to each of a plurality of contents transmitted to said information-processing terminals;

first producing means for producing assessment information on largest expected values computed by said computation means ... on the basis of said expected values which are each computed by said computation means...; and

second producing means for producing an assessment function of said expected values computed for all said contents by synthesizing pieces of said assessment information.”  
(emphasis added)

Applicants submit that nothing has been found in Nehei that would disclose or suggest the above-identified features of claim 19. Therefore, Applicants respectfully submit that claim 19 is patentable.

Independent claims 20 and 21 are similar in scope and believed to be patentable for similar reasons.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent on one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

## V. REJECTIONS UNDER 35 U.S.C. §101

Claims 1-12 and 19-21 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection because claims 1-12 and 19-21 are directed to statutory subject matter. Specifically, claims 1-10 and 19 are directed to an information-processing apparatus; claims 11 and 20 are directed to a method; and claims 12 and 21 are directed to a method stored on a computer-readable medium. Therefore, Applicants respectfully request that the 35 U.S.C. §101 rejection be withdrawn.

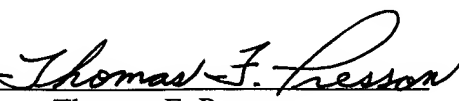
### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,  
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